

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

JERRY LENEZ BANGMON	§	
VS.	§	CIVIL ACTION NO. 1:20-CV-435
CALVIN TUCKER, ET AL.	§	

ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Jerry Lenez Bangmon, a prisoner confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, brought this civil rights action pursuant to 42 U.S.C. § 1983 against Calvin Tucker, Christopher L. Norsworthy, Michael B. Crow, Patricia Banks, and Jefferey Dabney.

The Court referred this matter to a United States Magistrate Judge for consideration pursuant to applicable laws and orders of this Court. The magistrate judge recommends granting Defendants' Motion for Summary Judgment.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge, filed pursuant to such order, along with the record and the pleadings. Plaintiff filed objections to the report and recommendation.

The Court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration of all the pleadings and the relevant case law, the Court concludes that Plaintiff's objections lack merit.


For the reasons stated by the magistrate judge, the summary judgment evidence is insufficient to create a genuine issue of material fact as to whether Defendants used excessive force against

Plaintiff or were deliberately indifferent to his serious medical needs. Because Plaintiff failed to show that Defendants violated his clearly-established Eighth Amendment rights, Defendants are entitled to qualified immunity.

ORDER

Accordingly, Plaintiff's objections [Dkt. 31] are OVERRULED. The findings of fact and the conclusions of law of the magistrate judge are correct, and the report and recommendation of the magistrate judge [Dkt. 29] is ADOPTED. A final judgment will be entered in accordance with this order.

SIGNED this 21st day of March, 2023.

A handwritten signature in cursive script, reading "Michael J. Truncala", positioned above a horizontal line.

Michael J. Truncala
United States District Judge